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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor	Peter TASS	
Patent App.	10/553,679	
Filed	17 October 2005	Conf. No. 1840
For	DEVICE FOR THE DESYNCHRONIZATION OF NEURONAL BRAIN ACTIVITY	
Art Unit	3762	Examiner Smith, T
Hon. Commissioner of Patents		
Box 1450		
Alexandria, VA 22313-1450		

THIRD AMENDMENT

This is in response to the Office Action of 22 May 2008.

Applicant by his attorney herewith elects the method of claims 68-77, with traverse.

This is a PCT case that is subject to 37 CFR 1.475 that states: "An international or national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:... (4) A process and an apparatus or means specifically designed for carrying out the said (sic) process."

This application falls directly within the purview of this rule in that it claims a "device" and a "method." In the examiner's own words claims 53-67 relate to a "system to stimulate" and claims 68-77 to a "method to stimulate." There is a distinct technical relationship between the two sets of claims in that they recite the same features, describe complementary aspects of the same invention, and clearly relate to the same thing. Restriction is wrong in this case.

If the examiner feels that restriction is still correct, he is respectfully requested to explain why rule 475 does not apply to this case.

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Enclosure: None.